

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

THE STATE OF MISSOURI, and	§	
	§	
	§	
THE STATE OF TEXAS,	§	
	§	Case No. 7:21-cv-00420
Plaintiffs,	§	(formerly No. 6:21-cv-00052)
	§	(consolidated with No. 7:21-cv-00272)
v.	§	
	§	
JOSEPH R. BIDEN, JR., in his official	§	
capacity as President of the United	§	
States of America, <i>et al.</i> ,	§	
	§	
Defendants.	§	

NOTICE OF APPEAL

Notice is hereby given that Plaintiffs, the States of Missouri and Texas, appeal to the United States Court of Appeals for the Fifth Circuit from the district court's order staying consideration of—and thus effectively denying—their motion for preliminary injunction. ECF No. 43. *Accord Rauscher Pierce Refsnes, Inc. v. Birenbaum*, 860 F.2d 169, 171 (5th Cir. 1988) (stay order appealable under 28 U.S.C. § 1292(a)(1) when it constitutes effective denial of preliminary injunction).

Date: February 25, 2022

ERIC S. SCHMITT
Attorney General of Missouri

D. JOHN SAUER, #58720MO*
Solicitor General

/s/ Jesus A. Osete
JESUS A. OSETE, #69267MO*
Deputy Attorney General
for Special Litigation

MADDIE M. GREEN, #73724MO*
Assistant Attorney General
for Special Litigation

OFFICE OF THE ATTORNEY GENERAL
Supreme Court Building
207 West High Street
P.O. Box 899
Jefferson City, Missouri 65102
Tel. (573) 751-1800
Fax (573) 751-0774
John.Sauer@ago.mo.gov
Jesus.Osete@ago.mo.gov
Maddie.Green@ago.mo.gov

Counsel for Plaintiff State of Missouri

**Admitted pro hac vice*

Respectfully submitted,

KEN PAXTON
Attorney General of Texas

BRENT WEBSTER
First Assistant Attorney General

PATRICK K. SWEETEN
Deputy Attorney General for Special Litigation
Tex. State Bar No. 00798537

WILLIAM T. THOMPSON
Deputy Chief, Special Litigation Unit
Tex. State Bar No. 24088531

AARON F. REITZ
Deputy Attorney General for Legal Strategy
Texas Bar No. 24105704
Southern Dist. of Texas Bar No. 3653771

/s/ Ryan D. Walters
RYAN D. WALTERS
Attorney-in-Charge
Special Counsel, Special Litigation Unit Texas
Bar No. 24105085
Southern Dist. of Texas Bar No. 3369185

OFFICE OF THE ATTORNEY GENERAL
P.O. Box 12548
Austin, Texas 78711-2548
Tel.: (512) 936-1414
Fax: (512) 936-0545
patrick.sweeten@oag.texas.gov
will.thompson@oag.texas.gov
aaron.reitz@oag.texas.gov
ryan.walters@oag.texas.gov

Counsel for Plaintiff State of Texas

Certificate of Service

I certify that on February 25, 2022, a true and accurate copy of the foregoing document was filed electronically (via CM/ECF) and served on all counsel of record.

/s/ Jesus A. Osete
Counsel for Plaintiffs